

REMARKS

In the Office action, the Examiner rejected claims 15-34 under 35 U.S.C. §112, second paragraph, asserting that the term "correctly or incorrectly" is a relative term that renders the claim indefinite. Though the Applicant does not necessarily agree with the Examiner's assertion, in the interest of efficiently furthering prosecution, the Applicant has amended claims 15, 22, and 30. The subject language "correctly or incorrectly" is now replaced by the limitation, "according to the manufacturer's instructions so as to eliminate disturbing effects." Support for this limitation is found, for example, on page 2, lines 22-28 of the specification. It is believed that such language is now sufficiently definite that one skilled in the art would be apprised of the scope of the invention.

The Applicant thanks the Examiner for the observations regarding the preamble. Claims 15 and 30 have been amended to include the language, "the installation of" as suggested by the Examiner.

The Examiner rejected claims 15-34 under 35 U.S.C. §101 asserting that the invention is not supported by either a specific or well established utility. The Applicant believes that, in light of the claim amendments and the following observations, the Examiner's rejection is now obviated. MPEP 2107.01(I)A instructs that Examiners, "should distinguish between situations where an applicant has disclosed a specific use for or application of the invention and situations where the applicant merely indicates that the invention may prove useful without identifying with specificity why it is considered useful."

The amended claims now recite that the specific utility pertains to methods and devices that are useful when installing measurement devices. The invention is particularly applicable to flow measurement devices. (Pg. 1, Ln. 26). Still further, one particularly applicable flow measurement device is a vortex flow meter. (Pg. 1, Ln. 32). This type of flow measurement device measures flow velocity in a pipeline on the basis of the Karman vortex street wherein a flow obstruction in the pipeline segment of the test equipment produces periodic vortices downstream, whose frequency is a measure of the flow velocity. (Pg. 1, Ln. 34-40). The reliability of such vortex flow measurement devices is highly dependent on proper installation wherein certain disrupting factors are eliminated, such as, tilted installation of the test equipment, curves in the pipeline, pulsating fluid flow, vibration of the pipelines and/or turbulence upstream of the flow obstruction. (Pg. 2, Ln. 6-14). The

present invention is highly useful in determining whether such devices will function properly and provide accurate results. Thus, it is believed that, in light of the claim amendments and the above discussion, the specific utility of the present invention is clear.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

By: 

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AMENDMENTS TO THE DRAWINGS

Please replace the original drawing with the attached amended figure.